

SEALED

FILED

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

NOV 16 2016

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

United States of America

v.

Barry Ray MILES Jr. AKA "Bo"

Case No. 7:16crj130

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2015 untill October 2016 in the county of Roanoke City in the
Western District of Virginia, the defendant(s) violated:

Code Section	Offense Description
18 USC, Section 922(g)(1)	Felon in Possession of a Firearm
21 USC, Section 844(a)(1)	Possession with the Intent to Distribute or Dispense Methamphetamine
21 USC, Section 846	Conspiracy to Possess to Distribute > 500 Grams of Methamphetamine
18 USC, Section 924(c)	Use Firearm in Furtherance of Federal Drug Trafficking Crime

This criminal complaint is based on these facts:

See attached.

☒ Continued on the attached sheet.

[Signature]

Complainant's signature

William Cunningham, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: November 16, 2016

[Signature]

Judge's signature

City and state: Roanoke, Virginia

U.S. Magistrate Judge Robert S. Ballou

Printed name and title

SEALED

Affidavit

7:16mj 130

I, William Cunningham, being duly sworn, depose and state that:

I am a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice, and have been so employed since 7/1/2001. Prior to this, I was a Special Agent with the United States Secret Service for three years, a police officer/detective with the Prince Georges County Maryland Police Department for four years, and a uniformed officer with the United States Capitol Police for three years. At ATF and these other agencies, I have conducted and participated in: numerous firearms, narcotics and violent crime related investigations; arrested large numbers of criminal offenders; and have applied for, and executed, numerous Federal and state issued search warrants.

I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy; as a result of my training and experience as an ATF Senior Special Agent, I am familiar with Federal criminal laws and know that it is a violation of:

Title 18 USC, Section 924(c) Use or Possess a Firearm in Furtherance of a Federal Drug Trafficking Crime or A Federal Crime of Violence

Title 18 USC, Section 922 (g)(1) Possession of a Firearm by a Convicted Felon

Title 21 USC, Section 841(a)(1) Possession with the Intent to Distribute or Dispense Methamphetamine

Title 21 USC, Section 846 Conspiracy to Possess to Distribute > 500 Grams of Methamphetamine

The following information is provided in support of an Application and Affidavit for an Arrest Warrant for the person of Barry Ray MILES Jr. AKA "Bo", date of birth [REDACTED] 1988, who is alleged to have possessed a firearm as a convicted felon, to have distributed methamphetamine, to have conspired with others to distribute 500 grams or more of methamphetamine, and to have used a firearm in a Federal crime of violence or drug trafficking crime.

1. On 11/26/2015, Roanoke City Police Department (RPD) officers responded to the area of 1600 block of Mercer Avenue NW, Roanoke VA in reference to multiple gunshots in the area. The investigation led RPD officers to the residence located at 1624 Mercer Avenue NW, Roanoke, VA.
2. While at the residence conducting their investigation, officers located Barry Ray MILES Jr. (black male, DOB 1 [REDACTED] 1988, SSN [REDACTED] FBI# 695055NC4, AKA "Bo").

285
11/16/2016

RPD officers reported that MILES did not immediately reveal himself to officers inside the residence. Further investigation by RPD Officer B. R. Plogger revealed the following firearms laying on a concrete floor in the basement:

- a. Springfield, Model XD9, 9mm caliber semi-automatic pistol, S/N XD212209 (P/O Plogger noted that this firearm had a "high capacity magazine" loaded with 22 rounds of ammunition)
 - b. Ruger, Model LC9, 9mm caliber semi-automatic pistol, S/N 32508658
3. P/O Plogger, who is also an evidence technician, collected the firearms and maintained them for forensic examination. Officer Plogger was later able to develop friction ridge skin impressions from the extended magazine of the recovered Springfield, Model XD9, 9mm caliber semi-automatic pistol, S/N XD212209.
4. Latent Print Examiner (LPE) J. L. Blackwell examined the developed prints by P/O Plogger (from the Springfield, Model XD9, 9mm caliber semi-automatic pistol, S/N XD212209) and was able to compare the developed prints to a known sample of prints from MILES. LPE Blackwell found one of the developed latent prints from the extended magazine to be identical to MILES' number nine (left ring) finger. Furthermore, LPE D. E. Sink also analyzed the developed latent prints and also concluded that Barry MILES is the donor of the latent print recovered from the extended magazine.
5. A query of the NCIC system reveals that MILES has following felony convictions: 7/26/2007 Felony Eluding, 6/10/2009 Grand Larceny, 3/07/2012 PWID Schedule I or II, 3/21/2013 Felony Probation Violation, 4/30/2013 Felony Probation Violation, 4/30/2013 Felony Probation Violation, and 9/09/2016 Felony Probation Violation.
6. On 11/16/2016, ATF S/A and Interstate Nexis Expert Anthony Newton was provided a description of the recovered Springfield, Model XD9, 9mm caliber semi-automatic pistol, S/N XD212209. Based on the description provided to S/A Newton, he determined that the firearm was not manufactured in the Commonwealth of Virginia and therefore affected interstate commerce.
7. Over the past 5 months, in excess of 12 persons were interviewed in reference to the armed drug trafficking activities of Barry MILES. A number of these persons also provided sworn testimony before the Federal Grand Jury sitting in Roanoke, VA. Below is a summary of a portion of the information provided to law enforcement.
8. On 06/30/2016, a Cooperating Co-Defendant (CD) #1, who is a self-admitted user and trafficker of methamphetamine, provided information about his/her methamphetamine business with MILES. CD#1 stated that from sometime in 2015 until around May of 2016, he/she was being fronted (provided on credit) 1 to 2 ounces of methamphetamine every 2 days from MILES for further distribution. CD#1 stated that he/she would pay approximately \$1,100.00 per 1 (one) ounce of methamphetamine from MILES. CD#1 stated that on one previous occasion, he/she observed MILES in possession of approximately 1 (one) kilogram of methamphetamine. CD#1 stated that he/she would also provide MILES firearms in exchange for methamphetamine. CD#1 further stated

285
11/16/2016

that most of these transactions took place at MILES' house on Greenhurst Avenue in Roanoke, VA and that MILES had security cameras installed at the residence.

9. On 07/01/2016, Cooperating Source (CS) #1, who was previously romantically involved with MILES, provided information about MILES' methamphetamine distribution. CS#1 stated that he/she knows MILES to be a distributor of methamphetamine. CS#1 stated that he/she has previously observed MILES in possession of a zip lock sandwich baggie half full of methamphetamine at his residence on Greenhurst Avenue NW in Roanoke, VA. CS#1 stated that MILES' residence on Greenhurst Avenue had a security camera system installed. CS#1 further stated that he/she was introduced to Hispanic males by MILES and that MILES stated the Hispanic males were his supplier of methamphetamine.
10. On 07/06/2016, CD#2, who is a self-admitted user and trafficker of methamphetamine, provided information about his/her involvement in methamphetamine distribution with MILES. CD#2 stated that he/she began purchasing methamphetamine from MILES around March of 2016. CD#2 stated that he/she would purchase 3 (three) to 4 (four) ounces of methamphetamine per week from MILES. CD#2 stated on some occasions the methamphetamine was "fronted" by MILES. CD#2 stated that he/she would purchase ½ (one half) an ounce of methamphetamine for \$500 to \$550.00 from MILES. CD#2 further stated that on one previous occasion, he/she provided 1 (one) pound of methamphetamine to MILES. CD#2 stated he/she knew MILES' source of methamphetamine to be a Hispanic male.
11. On 08/12/2016, CS#2, who is a self-admitted user of methamphetamine, provided information about his/her methamphetamine purchases from MILES. CS#2 stated that for approximately six months, he/she had purchased ½ (one half) to 1 (one) gram of methamphetamine from MILES twice a week. CS#2 stated that he/she would purchase ½ (one half) gram of methamphetamine from MILES for \$50.00 and 1 (one) gram of methamphetamine from MILES for \$100.00. CS#2 further stated that MILES' residence on Greenhurst Avenue NW in Roanoke, VA had a security camera system installed.
12. On 08/17/2016, CS#3, who is a self-admitted user of methamphetamine, provided information about his/her methamphetamine purchases from MILES. CS#3 stated that for approximately four to six months, he/she would purchase between ½ (one half) to 1 (one) gram of methamphetamine three to five times a week from MILES.
13. On 08/18/2016, CS#4, who is a self-admitted user and distributor of methamphetamine, provided information about MILES' methamphetamine distribution. CS#4 stated that he/she was directly involved with another individual in purchasing methamphetamine from MILES on an estimated ten different occasions. CS#4 stated that each purchase of methamphetamine from MILES was between ¼ (one quarter) to 1/2 (one half) an ounce. CS#4 stated that MILES sold ¼ (one quarter) ounce of methamphetamine for \$450 to \$500.00.

282B
11/16/2016

14. On 08/19/2016, CS#5, who is a self-admitted user of methamphetamine, provided information about MILES' methamphetamine distribution. CS#5 stated that he/she knew MILES to be a distributor of methamphetamine. CS#5 stated that MILES would sell methamphetamine from his/her residence on a regular basis. CS#5 further stated that on one previous occasion, he/she instructed MILES to quit selling methamphetamine from his/her residence and that in return, MILES pulled up his shirt and brandished a firearm at CS#5. After this incident, MILES continued to traffic methamphetamine from CS#5's residence.
15. On 08/24/2016, CS#6, who is a self-admitted user of illegal narcotics, provided information about MILES' methamphetamine distribution. CS#6 stated that he/she personally knows MILES to be a distributor of methamphetamine and knows that MILES was distributing 15 (fifteen) ounces of methamphetamine every day for approximately three months. CS#6 further stated that he/she knew MILES' supplier of methamphetamine to be a Hispanic male.
16. On 08/24/2016, CS#7, who is a self-admitted user and distributor of methamphetamine, provided information about his/her methamphetamine purchases from MILES. CS#7 stated that for an estimated time frame of five to six months, he/she would purchase 3.5 grams of methamphetamine from MILES every two to three days. CS#7 further stated that he/she has previously observed MILES with a gallon sized bag of methamphetamine. CS#7 stated that he/she knows MILES' supplier of methamphetamine to be a Hispanic male.
17. On 08/29/2016, CS#8, who is a self-admitted distributor of methamphetamine, provided information about his/her methamphetamine purchases from MILES. CS#8 stated that on six or seven previous occasions, he/she purchased 3.5 grams of methamphetamine from MILES. CS#8 stated that MILES charged him/her \$60.00 per 1 (one) gram of methamphetamine. CS#8 further stated that MILES had a video surveillance camera system installed at his residence on Greenhurst Avenue NW in Roanoke, VA.
18. On 09/01/2016, Roanoke City Police Department (RPD) Detective J. Chandler supervised a controlled purchase from Barry Ray MILES Jr. in Roanoke, VA. Detective Chandler used a Confidential Informant (CI) to conduct the transaction with MILES. The CI purchased approximately 1.6 grams of suspected methamphetamine for \$70.00 from MILES with pre-recorded RPD funds. The suspected methamphetamine was later field tested and showed an initial reaction for the presence of methamphetamine. The CI was equipped with a covert audio/video device(s) at the time of the purchase.
19. On 10/04/2016, CS#9, who is a self-admitted distributor of methamphetamine, provided information about his/her methamphetamine business with MILES. CS#9 stated that he/she was present with MILES for two days in the summer of 2016 while the two were distributing methamphetamine together. CS#9 stated that he/she and MILES distributed methamphetamine on approximately 20 (twenty) different occasions during the two-day period. CS#9 further stated that he/she was provided the methamphetamine from MILES for these transactions. CS#9 was present with MILES during the 9/01/2016 controlled purchase from MILES and was videotaped during the transaction.

12/16/2016

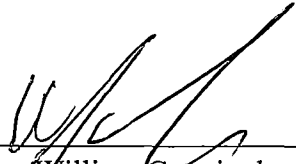
20. On 11/14/2016, CD#3, who is a self-admitted distributor of methamphetamine, provided information about MILES' methamphetamine distribution. CD#3 stated that when MILES was previously arrested in the summer of 2016, he/she took over MILES' phone and began distributing methamphetamine on behalf of MILES, to MILES' costumers, for approximately two weeks. During this time period, CD#3 was fronted several ounces of methamphetamine from a Hispanic male. CD#3 knew this Hispanic male to be MILES' supplier of methamphetamine. CD#3 further stated that he provided MILES with an amount of cash made from distributing this methamphetamine.
21. The facts and information contained in this affidavit are based upon my personal knowledge as well as knowledge and observations obtained from other law enforcement entities involved in this investigation. I am thoroughly familiar with the information contained in this affidavit through personal exposure to the records, reports and discussions with other law enforcement personnel. The facts comprising the basis for this affidavit are true and correct, to the best of my knowledge. This affidavit is submitted for the limited purpose of obtaining the court's approval for the attached application and includes only those facts that are believed necessary to establish probable cause.

Based on my knowledge, training, and experience, the following information set forth in this Affidavit constitutes supportive evidence that:

RSB
11/16/2016

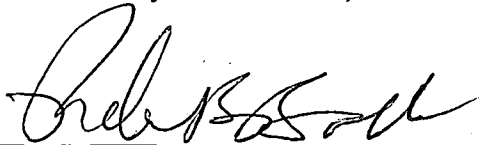
Barry Ray MILES Jr., did possess a firearm as a convicted felon, did distribute methamphetamine, did conspire with others known and unknown to distribute 500 grams or more of methamphetamine, and did use a firearm during and relation to a Federal drug trafficking crime.

That the aforementioned violations took place in the City of Roanoke, in the Western District of Virginia.



William Cunningham
Resident Agent in Charge, ATF-
Roanoke

Sworn to and subscribed to
This 16th day of November, 2016.



Robert S. Ballou
United States Magistrate Judge